

TIMOTHY R. TITOLO, ESQ.  
Nevada Bar No. 3617  
TITOLO LAW OFFICE  
9950 West Cheyenne Avenue  
Las Vegas, Nevada 89129  
Phone: (702) 869-5100  
Email: [tim@titololaw.com](mailto:tim@titololaw.com)

*Attorney for Plaintiffs*

CHARLES A. MICHALEK, ESQ.  
Nevada Bar No. 5721  
ROGERS, MASTRANGELO, CARVALHO & MITCHELL  
700 South Third Street  
Las Vegas, Nevada 89101  
Phone: (702) 383-3400  
Email: [cmichalek@rmcmllaw.com](mailto:cmichalek@rmcmllaw.com)

**Attorney for Defendants**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PETER DELVECCHIA, individually and as  
next friend of A.D., a Minor, ) Case No.: 2:19-cv-01322-KJD-DJA

*Plaintiffs,* ) **SEVENTH STIPULATED  
MOTION TO EXTEND DEADLINES**

v.  
FRONTIER AIRLINES, INC.,  
SCOTT WARREN, and REX SHUPE.

## SEVENTH STIPULATED

**SEVENTH STIPULATED  
MOTION TO EXTEND DEADLINES**

FRONTIER AIRLINES, INC.,  
SCOTT WARREN, and REX SHUPE,

### Defendants.

Plaintiffs Peter DelVecchia, individually and as next friend of A.D., a minor (collectively “Plaintiffs”), and Defendants Frontier Airlines, Inc. (“Frontier”), Scott Warren, and Rex Shupe (collectively “Defendants”), each by their undersigned counsel, hereby submit their **SEVENTH STIPULATED MOTION TO EXTEND DEADLINES**, seeking to extend the deadlines related to initial and rebuttal disclosure of experts, close of discovery, filing of dispositive motions, and filing of the joint proposed pretrial order as set forth in this Court’s August 23, 2021 Order (ECF No. 131) by approximately 180 days each.

1           Specifically, the Parties seek to extend these deadlines as follows:

2           1.       Extend the deadline to disclose initial experts from March 23, 2022 to ***September 30, 2022***;

3           2.       Extend the deadline to disclose rebuttal experts from April 27, 2022 to ***October 28, 2022***;

4           3.       Extend the discovery cutoff date from May 25, 2022 to ***November 18, 2022***;

5           4.       Extend the deadline to file dispositive motions from June 29, 2022 to ***December 30, 2022***;

6                   and

7           5.       Extend the deadline to file the joint proposed pretrial order from July 27, 2022 to ***January***

8                   ***27, 2023.***

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10           The Parties have made efforts to complete fact discovery in a reasonable time, despite the

11           unprecedented obstacles imposed by the COVID-19 pandemic and related travel warnings and restrictions,

12           staffing issues related to COVID-19, Frontier's extended process to produce thousands of pages of

13           documents relating to prior incidents of alleged discrimination and human trafficking, which is now

14           complete (the length of which was objected to by Plaintiffs), issues with obtaining approval from the

15           Transportation Security Administration (TSA) to produce certain relevant documents that are designated

16           Sensitive Security Information (SSI), and issues with medical providers failing to produce complete

17           treatment records in a timely manner. Written and deposition discovery is ongoing, subpoenas for records

18           have been, and continue to be, issued.

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21           Plaintiffs have recently requested production of additional documents by Frontier that they believe

22           will be necessary for conducting the Fed. R. Civ. P. 30(b)(6) deposition of Frontier, which deposition must

23           be completed before expert disclosures. Those requests were served on February 22, 2022, making

24           responses due by March 28, 2022. Plaintiffs also served at the same time requests for admissions that might

25           obviate the need for certain testimony at the corporate deposition. The parties are in the process of

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1 scheduling depositions of certain treaters, law enforcement officers, additional passenger witnesses, and  
2 gate agents assigned to the subject flight.

3 Additionally, counsel for the parties have met and conferred on several occasions regarding certain  
4 objections to discovery and believe that motions will need to be filed to resolve some of their disputes.  
5 Rulings on those motions will be necessary to complete discovery. Those disputes pertain to, *inter alia*, a  
6 request by Frontier for a Rule 35 examination of Plaintiff A.D., the removal of certain redactions made on  
7 documents produced by Frontier, Plaintiffs' request to contact passengers who previously filed race  
8 discrimination complaints against Frontier, a motion by Plaintiffs seeking leave to take continued  
9 depositions of Defendants Shupe and Warren based on the fact that the details of certain protocols to which  
10 they both testified in 2019 were not produced by Frontier until 2021, and both have submitted interrogatory  
11 answers claiming that they received certain training prior to 2019 that was not included in their 2019  
12 testimony, and a possible motion based on *Hickman v. Taylor*, 329 U.S. 495 (1947), to compel production  
13 of portions of the notes of defense counsel's interview with certain witnesses based on substantial  
14 need/undue hardship. Additionally, Defendants may be required to file a motion seeking an order to show  
15 cause with the U.S. District Court for the Eastern District of North Carolina related to records sought (via  
16 subpoena) from a particular medical provider but not yet produced. Thus, an extension of deadlines is  
17 necessary.

18 Despite the Parties' best efforts, additional time is needed to complete fact and expert discovery.  
19 Although the Parties are working as expeditiously and as cooperatively as possible, the breadth and scope  
20 of discovery being conducted in this case and the above-discussed disputes have slowed their progress such  
21 that more time is required. This is the seventh motion for a continuance of pretrial deadlines filed in this  
22 case.

1 DATED this 3<sup>rd</sup> day of March, 2022.

2  
3 Respectfully submitted,

4 /s/ Brian T. Maye

5 Lawrence S. Gosewisch (admitted *pro hac vice*)  
6 Brian T. Maye (admitted *pro hac vice*)  
7 Matthew D. Martin (admitted *pro hac vice*)  
8 ADLER MURPHY & McQUILLEN LLP  
9 20 South Clark Street, Suite 2500  
10 Chicago, Illinois 60603  
11 Phone: (312) 345-0700  
12 Email: [lgosewisch@amm-law.com](mailto:lgosewisch@amm-law.com)  
[bmaye@amm-law.com](mailto:bmaye@amm-law.com)  
[mmartin@amm-law.com](mailto:mmartin@amm-law.com)

13 Charles A. Michalek (Nevada Bar No. 5721)  
14 ROGERS, MASTRANGELO, CARVALHO &  
15 MITCHEL  
16 700 South Third Street  
17 Las Vegas, Nevada 89101  
18 Phone: (702) 383-3400  
19 Email: [cmichalek@rmcmclaw.com](mailto:cmichalek@rmcmclaw.com)

20 *Attorneys for Defendants Frontier Airlines, Inc.,*  
21 *Scott Warren & Rex Shupe*

22 /s/ John D. McKay

23 John D. McKay (admitted *pro hac vice*)  
24 PARK AVENUE LAW LLC  
25 127 West Fairbanks Avenue, No. 519  
26 Winter Park, Florida 32789  
27 Phone: (434) 531-9569  
28 Email: [johndmckayatty@gmail.com](mailto:johndmckayatty@gmail.com)

29 Timothy R. Titolo (Nevada Bar. No. 3617)  
30 TITOLO LAW OFFICE  
31 9950 West Cheyenne Avenue  
32 Las Vegas, Nevada 89129  
33 Phone: (702) 869-5100  
34 Email: [tim@titololaw.com](mailto:tim@titololaw.com)

35 *Attorneys for Plaintiffs Peter DelVecchia &*  
36 *A.D., a Minor*

## **CERTIFICATE OF SERVICE**

Pursuant to LR IC 4-1, I hereby certify that on the 3<sup>rd</sup> day of March, 2022, the foregoing **SEVENTH STIPULATED MOTION TO EXTEND DEADLINES** was served upon the following counsel of record *by email only*:

Lawrence S. Gosewisch (admitted *pro hac vice*)  
Brian T. Maye (admitted *pro hac vice*)  
Matthew D. Martin (admitted *pro hac vice*)  
ADLER MURPHY & McQUILLEN LLP  
20 South Clark Street, Suite 2500  
Chicago, Illinois 60603  
Phone: (312) 345-0700  
Email: [lgosewisch@amm-law.com](mailto:lgosewisch@amm-law.com)  
[bmaye@amm-law.com](mailto:bmaye@amm-law.com)  
[mmartin@amm-law.com](mailto:mmartin@amm-law.com)

Charles A. Michalek (Nevada Bar No. 5721)  
ROGERS, MASTRANGELO, CARVALHO &  
MITCHEL  
700 South Third Street  
Las Vegas, Nevada 89101  
Phone: (702) 383-3400  
Email: [cmichalek@rmcmclaw.com](mailto:cmichalek@rmcmclaw.com)

/s/      John D. McKay  
John D. McKay  
Attorney for Plaintiffs

IT IS SO ORDERED:

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UNITED STATES MAGISTRATE JUDGE

DATED: \_\_\_\_\_